

84TH CONGRESS  
2D SESSION

# S. 3638

## IN THE SENATE OF THE UNITED STATES

APRIL 16 (legislative day, APRIL 9), 1956

Mr. SMITH of New Jersey (for himself and Mr. MUNDT) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

## A BILL

To promote the foreign policy of the United States by amending the United States Information and Educational Exchange Act of 1948 (Public Law 402, Eightieth Congress).

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 That (a) so much of section 2 of the United States Infor-

4 mation and Educational Exchange Act of 1948 as precedes

5 paragraph (1) thereof is amended to read as follows:

6 "SEC. 2. The Congress hereby declares that the objec-

7 tives of this Act are to enable the Government of the United

8 States of America to increase in other countries respect for

9 and confidence in the United States, its purposes, its demo-

1 cratic practices, culture, and society, to increase mutual  
2 understanding, respect, and confidence between the people  
3 of the United States and the peoples of other countries, and  
4 to broaden the areas of cooperation between them in the  
5 educational exchange, cultural and information fields.  
6 Among other means in achieving these objectives, the Secre-  
7 tary of State is authorized to establish—”.

8 (b) Paragraph (2) of section 2 of such Act is amended  
9 to read as follows:

10 “(2) an educational exchange service to cooperate  
11 with other nations in—

12 “(a) the interchange of knowledge, skills, informa-  
13 tion, and experiences;

14 “(b) the interchange of technical and other  
15 services;

16 “(c) the interchange of developments in the field  
17 of education, the arts, sciences, and professions; and

18 “(d) the development of projects of interest and  
19 value to the United States and the other countries in-  
20 volved through diffusion of knowledge.”

21 SEC. 2. (a) The heading of title II of such Act is  
22 amended to read as follows:

1 "TITLE II—INTERCHANGE OF KNOWLEDGE,  
2 SKILLS, AND EXPERIENCE"

3 (b) Section 201 of such Act is amended to read as  
4 follows:

5 "PERSONS

6 "SEC. 201. (a) As a means of insuring interchange on  
7 a cooperative basis of leaders and potential leaders between  
8 the United States and other countries, the Secretary is  
9 authorized to provide for and otherwise facilitate programs  
10 for the exchange of (1) students and trainees; (2) teachers,  
11 fellows, and lecturers; (3) professors and research scholars;  
12 (4) specialists in any of the arts, sciences, trades, or pro-  
13 fessions; and (5) leaders of thought and opinion at the  
14 National, State, or local level. Such exchanges shall be for  
15 the purpose of long- or short-term study or practical training,  
16 teaching, lecturing, or research, and observation, consultation,  
17 or other experience or activity which may be essential to  
18 the successful operation of the programs and which will not  
19 deprive American citizens or aliens lawfully admitted for  
20 permanent residence of opportunities for gainful employ-  
21 ment or professional training. The Secretary is also author-  
22 ized to bring foreign nationals to the United States to inter-

1. . . . .pret and present the art and culture of cooperating countries.  
2 The Secretary may also provide for the attendance of  
3 nationals of one cooperating country at selected institutions  
4 of learning or places of study in another cooperating country  
5 when he determines that urgent foreign relations objectives  
6 would be served thereby. The Secretary shall, wherever  
7 possible in connection with these programs, utilize the  
8 services of existing reputable agencies which are successfully  
9 engaged in such activity.

10       “(b) The Secretary may provide for orientation courses  
11 and other appropriate services and materials in the case of  
12 persons coming to the United States from other countries  
13 and going to other countries from the United States under  
14 provisions of this Act or for purposes which the Secretary  
15 determines to be in furtherance of the objectives of this Act.

16       “(c) When any country fails or refuses to cooperate in  
17 the program provided herein the Secretary shall terminate  
18 or limit such program, with respect to such country, to the  
19 extent he deems to be advisable in the interests of the  
20 United States.

21       “(d) The foreign exchange visitors provided for in this  
22 section shall be admitted as nonimmigrants under section  
23 101 (a) (15) of the Immigration and Nationality Act for  
24 such time and under such conditions as may be prescribed by  
25 regulations promulgated by the Secretary of State and the

1 Attorney General. Exchange visitors so admitted shall not  
2 be eligible for a change of status under the provisions of sec-  
3 tion 248 of the Immigration and Nationality Act, nor for ad-  
4 justment of status under provisions of section 245 of that  
5 Act. An exchange visitor who fails to maintain nonimm-  
6 grant status and exchange visitor classification or who fails  
7 to depart from the United States on the termination of such  
8 status or classification, shall, upon warrant of the Attorney  
9 General, be taken into custody and promptly deported pur-  
10 suant to section 241, 242, and 243 of the Immigration and  
11 Nationality Act. Exchange visitors who engage in activi-  
12 ties of a political nature detrimental to the interests of the  
13 United States, or in activities not consistent with the security  
14 of the United States shall be considered to have failed to  
15 maintain exchange visitor classification. Deportation pro-  
16 ceedings under this section shall be summary and the find-  
17 ings of the Attorney General as to matters of fact shall be  
18 conclusive. Exchange visitors shall not be eligible for sus-  
19 pension of deportation under section 244 of the Immigration  
20 and Nationality Act. No person admitted as an exchange  
21 visitor under this section or acquiring exchange visitor status  
22 after admission shall be eligible to apply for an immigrant  
23 visa or for a nonimmigrant visa under section 101 (a) (15)  
24 (H) of the Immigration and Nationality Act, or for adjust-  
25 ment of status to that of an alien lawfully admitted for perma-

1. nent residence, until it is established that such person has  
2. resided and been physically present in a cooperating country  
3. or countries for an aggregate of at least two years following  
4. departure from the United States: *Provided*, That upon re-  
5. quest of an interested Government agency and the recommen-  
6. dation of the Secretary of State, the Attorney General may  
7. waive such two-year period of residence abroad in the case  
8. of any alien whose admission to the United States is found  
9. by the Attorney General to be in the public interest: *And*  
10. *provided further*, That the provisions of this paragraph shall  
11. apply only to those persons acquiring exchange visitor status  
12. or, who, having such status, obtain an extension of stay there-  
13. under, subsequent to the date of the enactment hereof."

14. SEC. 3. Section 202 of such Act is amended to read  
15. as follows:

16. "BOOKS AND MATERIALS

17. "SEC. 202. The Secretary is authorized to provide for  
18. interchanges between the United States and other countries  
19. of books and periodicals, including Government publications,  
20. and for the preparation, publication, distribution, translation,  
21. and interchange of such writings and other cultural and edu-  
22. cational materials, including visual and auditory materials of  
23. all kinds."

24. SEC. 4. Section 601 of such Act is amended by insert-  
25. ing after the words "*Provided, however*," the following:

1 "That the Commission on Educational Exchange shall recom-  
2 mend policies and programs to further cultural relations with  
3 participating countries by means of exchange of persons and  
4 other means, and shall recommend criteria for the selection  
5 of persons for participation in exchange programs under this  
6 Act: *And provided further,*".

7 SEC. 5. (a) Section 602 (a) of such Act is amended  
8 by inserting before the period at the end thereof a colon and  
9 the following: "*Provided*, That no office under a State uni-  
10 versity, land-grant college, or other similar educational insti-  
11 tution shall be deemed to be a compensated Federal or State  
12 office for the purposes of this subsection."

13 (b) Section 602 (c) of such Act is amended by striking  
14 out the words "and public service" and inserting in lieu  
15 thereof the words "public service, professional, business, agri-  
16 culture, and labor".

17 (c) Section 602 (h) of such Act is amended to read  
18 as follows:

19 "(h) The Department is authorized to provide the nec-  
20 essary professional, technical, secretarial, and clerical assist-  
21 ance for the Commissions."

22 SEC. 6. Section 603 of such Act is amended by striking  
23 out the words "a semiannual" and substituting the words  
24 "an annual" therefor.

1 SEC. 7. Title VI of such Act is amended by adding at  
2 the end thereof a new section as follows:

3 "SEC. 604. The Secretary is authorized to establish in  
4 any country in which a program under this Act is in effect  
5 an advisory commission which may be composed of citizens  
6 of such country or citizens of the United States, or both.  
7 It shall be the function of any commission so established  
8 to advise the Secretary with respect to matters concerning  
9 the administration of such program. The Secretary is also  
10 authorized, wherever practicable, to utilize in the admin-  
11 istration of exchange programs under this Act the services  
12 of any binational commission established under authority  
13 of any other law providing similar exchange programs.  
14 Appropriations made to carry out the purposes of this Act  
15 shall be available to the Secretary for payment of the ex-  
16 penses of any commission established or utilized pursuant to  
17 this section."

18 SEC. 8. (a) Section 801 (6) of such Act is amended  
19 to read as follows:

20 "(6) to create, with the approval of the Commis-  
21 sion on Information and the Commission on Educational  
22 Exchange, such advisory committees as the Secretary  
23 may decide to be of assistance in formulating his policies  
24 for carrying out the purposes of this Act; and from  
25 time to time to hold meetings of representatives of



1 United States cultural and educational institutions and  
2 other organizations interested in programs under this  
3 Act for the purpose of making reports on, and obtaining  
4 comments and suggestions with respect to, such pro-  
5 grams. Such persons will not be considered as persons  
6 'employed or assigned to duties by the Government'  
7 within the meaning of the Act. No such member of an  
8 advisory committee or representative of any such insti-  
9 tution or organization shall be allowed any salary or  
10 other compensation for services, but he may be paid  
11 his actual transportation expenses and per diem in lieu  
12 of subsistence and other expenses at the rate prescribed  
13 by or established pursuant to section 5 of the Adminis-  
14 trative Expense Act of 1946, as amended (5 U. S. C.  
15 73 b-2) while away from his home in attendance upon  
16 meetings within the United States or in consultation  
17 with the Department under instructions."

18 (b) Section 801 of such Act is further amended by  
19 striking out "and" at the end of paragraph (5), by striking  
20 out the period at the end of paragraph (6) and inserting  
21 in lieu thereof a semicolon, and by adding at the end of  
22 the section the following new paragraphs:

23 " (7) to engage the services of experts and con-  
24 sultants, or organizations thereof, as authorized by sec-  
25 tion 15 of the Act of August 2, 1946 (U. S. C., title

1       5, sec. 55a), and individuals so engaged may be com-  
2       pensated at rates not in excess of \$50 per day and,  
3       while away from their homes or regular places of  
4       business, may be paid travel expenses, including per  
5       diem allowances in lieu of subsistence at the rates  
6       provided for in the Standardized Government Travel  
7       Regulations.”

8       SEC. 9. Section 802 of such Act is amended—

9               (1) by inserting “(a)” after “SEC. 802.”;

10              (2) by inserting “contracts of insurance, guaranty,  
11       and indemnity, and” after “including” in paragraph  
12       (2);

13              (3) by striking “and” at the end of paragraph (3),  
14       by striking out the period at the end of paragraph (4)  
15       and inserting in lieu thereof a semicolon and by adding  
16       after paragraph (4) the following new paragraphs:

17              “(5) to pay emergency medical expenses and ex-  
18       penses of travel incurred by reason of illness; and

19              “(6) to pay the travel expenses, including a per  
20       diem allowance in lieu of subsistence, of alien employees  
21       and their dependents when such employees are author-  
22       ized to travel in connection with appointment, change of  
23       duty, or separation.”; and

24              (4) by adding at the end thereof the following new  
25       subsection:

1       “(b) The Department and any Government agency  
2     conducting any nonmilitary exchange of persons program or  
3     any program of furnishing technical information and assist-  
4     ance are authorized to pay, in the case of foreign nationals  
5     participating in such program, amounts necessary to meet  
6     United States income taxes where, except for participation in  
7     such program, the liability for such tax would not have been  
8     incurred.”

9       SEC. 10. The first sentence of section 902 of such Act  
10    is amended to read as follows: “If any other Government  
11    or any international organization shall express the desire to  
12    provide funds, property, or services to be used by this Gov-  
13    ernment, in whole or in part, for the expenses of any  
14    specific part of the program undertaken pursuant to this  
15    Act, the Secretary is authorized, when he finds it in the  
16    public interest, to accept such funds, property, or services.”

17       SEC. 11. Section 1008 of such Act is amended by in-  
18    serting before the period at the end thereof a comma and  
19    the following: “except that the report concerning activities  
20    under the educational exchange programs authorized by this  
21    Act shall be submitted annually on or before the thirty-first  
22    day of December of each year to apply to activities conducted  
23    during the previous fiscal year”.

24       SEC. 12. The United States Information and Educa-

1 tional Exchange Act of 1948 is further amended by adding  
2 the following new sections at the end thereof:

3 "PAYMENT OF CERTAIN CLAIMS

4 "SEC. 1012. For the purpose of promoting and main-  
5 taining friendly relations abroad by the prompt settlement  
6 of meritorious claims arising in a foreign country, the Sec-  
7 retary of State and the Director of the United States Infor-  
8 mation Agency, and such other officers as they may desig-  
9 nate for such purposes, and under such regulations as they  
10 may prescribe, are hereby authorized to consider, ascertain,  
11 adjust, determine, and make payments, where accepted by  
12 the claimants in full satisfaction and in final settlement, of  
13 claims on account of damage to or loss or destruction of  
14 public or private property both real and personal or on  
15 account of personal injury or death, including claims respect-  
16 ing personal property bailed to the Government and claims  
17 for damages incident to the use and occupancy of real prop-  
18 erty, whether under a lease, express or implied, or other-  
19 wise, whenever caused by any instrumentality, officer, agent,  
20 or employee of the Department or Agency, incident to the  
21 performance of any official functions for the United States,  
22 when the amount of such claim does not exceed \$5,000:  
23 *Provided*, That in cases where the amount exceeds \$2,500  
24 but does not exceed \$5,000, payment shall be made only  
25 after approval by the Secretary or Director.

1 "The Secretary or Director may certify to Congress  
2 any meritorious claim or portion thereof which is in excess  
3 of \$5,000 as may be deemed to be just and reasonable for  
4 payment out of appropriations that may be made by Con-  
5 gress therefor.

6 "No claim shall be considered unless presented within  
7 one year after the claim arose, except for good cause shown  
8 that the claim could not have been presented within that  
9 period of time.

10 "Every claim settled under the authority of this Act  
11 shall be final and conclusive for all purposes, notwithstand-  
12 ing any other provision of law to the contrary.

13 "UNITED STATES INFORMATION OFFICERS

14 "SEC. 1013. (a) In accordance with regulations pre-  
15 scribed by him and after suitable examination, the Director  
16 of the United States Information Agency may appoint per-  
17 sons to be known as United States Information Officers.  
18 Such officers shall be appointed, promoted, and retained on  
19 the basis of merit and fitness and may be separated only in  
20 accordance with law. Except for the limitations of time  
21 contained in sections 522 and 527 of the Foreign Service  
22 Act of 1946, as amended, all provisions of law not incon-  
23 sistent herewith which are applicable to Foreign Service  
24 Reserve officers shall be applicable to United States In-  
25 formation Officers, and the Director shall be guided by the

1 policies and principles prescribed in those sections. The Di-  
2 rector shall establish such examining and selection boards or  
3 panels as may be necessary for use in the appointment,  
4 promotion, and separation of United States Information  
5 Officers.

6 “(b) Any United States Information Officer may be  
7 separated by the Director for unsatisfactory performance of  
8 duties, but only after a review of his case by, and opportu-  
9 nity for a hearing before, an impartial advisory board ap-  
10 pointed by the Director. The Director shall also provide for  
11 the periodic appraisal of such officers and, in accordance with  
12 regulations prescribed by him, may separate those who are  
13 consistently ranked below a minimum level prescribed for  
14 their class.

15 “(c) The Director may establish an independent re-  
16 tirement and disability system for the benefit of United States  
17 information officers based on the provisions of the Foreign  
18 Service Act of 1946, as heretofore or hereafter amended.  
19 Any officer separated pursuant to subsection (b) hereof  
20 shall be entitled to the payments or retirement benefits pre-  
21 scribed in sections 634 or 637 of that Act, as appropriate.

22 “UNITED STATES INFORMATION SERVICE

23 “SEC. 1014. The agency established by section 1 of  
24 Reorganization Plan Numbered 8 of 1953 shall hereafter  
25 be known as the ‘United States Information Service’, and

1 all references in such reorganization plan or in any statute,  
2 regulation, agreement, or other legal instrument to the  
3 'United State Information Agency' shall be construed to  
4 refer to the 'United States Information Service'. Nothing  
5 in this section shall be construed to alter or affect in any  
6 way the functions, authorities, or responsibilities of the  
7 agency."

84TH CONGRESS  
2D SESSION

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**A BILL**

To promote the foreign policy of the United States by amending the United States Information and Educational Exchange Act of 1948 (Public Law 402, Eightieth Congress).

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By Mr. SMITH of New Jersey and Mr. MUNDT

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APRIL 16 (legislative day, APRIL 9), 1956

Read twice and referred to the Committee on  
Foreign Relations